

11 Page 1 of 6

DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/15/11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

SEALED AFFIRMATION

- V. -

11 Cr. 559

AHMED ABDULKADIR WARSAME,

a/k/a "Khattab,"

a/k/a "Farah,"

a/k/a "Abdi Halim Mohammed Fara,"

a/k/a "Fareh Jama Ali Mohammed."

Defendant.

ADAM S. HICKEY hereby affirms, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, as follows:

1. I am an Assistant United States Attorney in the office of Preet Bharara, United States Attorney for the Southern District of New York, and I am familiar with this matter. By this Affirmation, the Government applies for an order of the Court directing that: (1) indictment 11 Cr. 559 (the "Indictment") and associated paperwork, to wit, the arrest warrant, defendant information sheet, and designation sheet (the "Associated Paperwork"), be unsealed for the limited purposes of assigning this matter to a District Court Judge and providing the Indictment to defense counsel; (2) the assignment of the case to a District Court Judge occur under seal, in a closed courtroom, and that any record of that proceeding, including a recording, be kept under seal; and (3) the Indictment and Associated Paperwork

be resealed until further action by this Court or the assigned District Court Judge.

2. On June 30, 2011, a grand jury sitting in this District returned the Indictment, charging the defendant in nine counts, including with providing material support to designated foreign terrorist organizations, in violation of Title 18, United States Code, Section 2339B. The Indictment was filed under seal. Shortly thereafter, the defendant was arrested and transported to this District, where he arrived on or about July 4, 2011. He is scheduled to be presented today.

3. At about the time the Indictment was returned, and upon the Government's application, the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, issued an order unsealing the Indictment and arrest warrant issued thereupon for the limited purpose of allowing the Government to share those materials with U.S. and foreign government officials, as well as Interpol, as necessary to arrest the defendant, to obtain any appropriate legal process, and to arrange for his extradition, expulsion, or transfer to the United States. In all other respects, the Indictment and Associated Paperwork remain under seal.

4. The Government anticipates that, after a District Court Judge is assigned, the Government will apply to that Judge to have the presentment and arraignment in this case held in a

closed courtroom, and to have all proceedings in this case (including the Indictment and transcripts of court proceedings) be held under seal for the time being, to protect the Government's law enforcement interests.

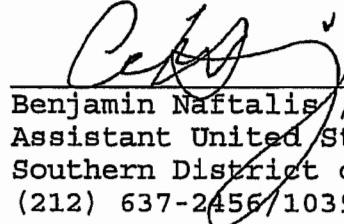


5. Accordingly, the Government requests that the Court enter an order directing that: (1) the Indictment and Associated Paperwork be unsealed for the limited purposes of assigning this matter to a District Court Judge and providing the Indictment to defense counsel; (2) the assignment of the case to a District Court Judge occur under seal, in a closed courtroom, and that any record of that proceeding, including a recording, be kept under seal; and (3) the Indictment and Associated Paperwork be resealed until further action by this Court or the assigned

District Court Judge.

6. The Government also requests that this Affirmation and any related Order be sealed and their docketing delayed until further order of this Court or the assigned District Court Judge.

Dated: New York, New York
July 5, 2011



Benjamin Naftalis / Adam Hickey
Assistant United States Attorneys
Southern District of New York
(212) 637-2456/1039

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA

: SEALED ORDER

: - v. -

: 11 Cr. 559

AHMED ABDULKADIR WARSAME,

a/k/a "Khattab,"

a/k/a "Farah,"

a/k/a "Abdi Halim Mohammed Fara," :

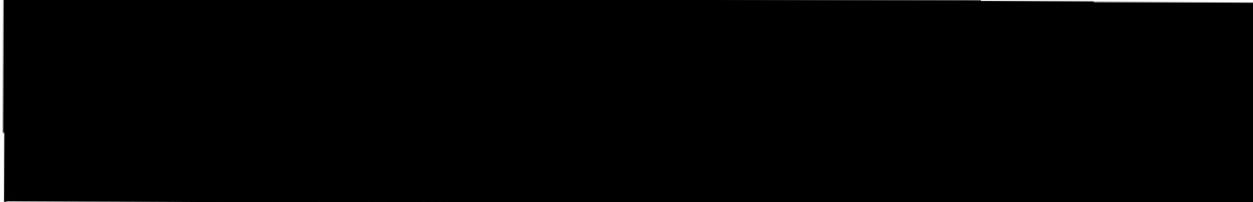
a/k/a "Fareh Jama Ali Mohammed,"

:
Defendant.

:

----- x

WHEREAS, an application has been made by the United States of America requesting that: (1) indictment 11 Cr. 559 (the "Indictment") and associated paperwork, to wit, the arrest warrant, defendant information sheet, and designation sheet (the "Associated Paperwork"), be unsealed for the limited purposes of assigning this matter to a District Court Judge and providing the Indictment to defense counsel; (2) the assignment of the case to a District Court Judge occur under seal, in a closed courtroom, and that any record of that proceeding, including a recording, be kept under seal; and (3) the Indictment and Associated Paperwork be resealed until further action by this Court or the assigned District Court Judge;



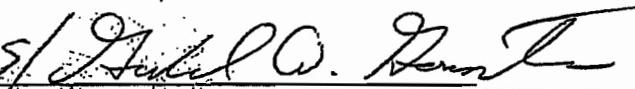
IT IS HEREBY ORDERED that: (1) the Indictment and

Associated Paperwork be unsealed for the limited purposes of assigning this matter to a District Court Judge and providing the Indictment to defense counsel; (2) the assignment of the case to a District Court Judge occur under seal, in a closed courtroom, and that any record of that proceeding, including a recording, be kept under seal; and (3) the Indictment and Associated Paperwork be resealed until further action by this Court or the assigned District Court judge.

IT IS FURTHER ORDERED that this Order and the related Affirmation be sealed and their docketing delayed until further order of this Court or the assigned District Court Judge.

SO ORDERED:

Dated: New York, New York
July 5, 2011


THE HONORABLE GABRIEL W. GORENSTEIN

UNITED STATES MAGISTRATE JUDGE